

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America, Plaintiff

Case No: 1:08-cr-100 PLM - 1

v.

HONORABLE PAUL L. MALONEY

Angelo Tyrece Brown, Defendant

OPINION DENYING DEFENDANT'S
MOTION FOR REPLACEMENT COUNSEL

Defendant pro per filed a Motion for Replacement Counsel and Allow Sean Tilton to Withdraw. The Motion was docketed on May 13, 2008 [Dkt #14]. A hearing was held on June 5, 2008, on Defendant's Motion.

Attorney Tilton outlined the various actions taken by his investigator and himself in defense of Mr. Brown, including investigator time, research of the law, responding to at least four of defendant's letters, telephone conversations with defendant as well as private meetings with defendant at his place of incarceration.

Defendant asserted that certain Motions, including a suppression motion(s) had not been filed. However, the Motion deadline is now June 24, 2008, extended from an earlier deadline at the request of defense.

At this time, the record reveals vigorous defense of Mr. Brown by Mr. Tilton. Defendant's desire for Motions to be filed is understandable, but counsel has no obligation to file frivolous or wholly non-meritorious motions. That judgment is made by the lawyer, not the defendant.

Accordingly, the Court finds no basis to replace Mr. Tilton as defendant's court appointed counsel. Defendant's pro per motion is DENIED. An Order will issue.

Dated: June 11, 2008

/s/ Paul L. Maloney

Paul L. Maloney

United States District Judge